

### REMARKS

New independent claim 76 and its dependent claims 77-79 have been drafted to avoid the §112 objections raised by the Examiner.

Claim 76 emphasizes that the channel selected for data transmission is based on the least transmission cost which, in turn, is based on the location of the mobile terminal relative to the remote host.

By contrast U.S. Patent No. 5,664,126 to Hirakawa selects its data transmission channel based on the crowded state of the channels and the degree of urgency (col. 28, lines 38-41). A very crowded channel may have the least cost, but it could also have the highest cost. Similarly, an uncrowded channel need not necessarily be the channel having the highest cost.

In any event, applicant factors in the "location" of the terminal. The Examiner noted that Table 8-1 of column 8 of U.S. Patent No. 6,144,848 to Walsh disclosed a GPS locator being employed in a user device. However, the GPS locator is not provided for determining data transmission costs, but instead, for providing driving directions to an airport.

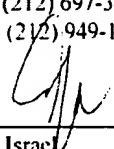
Allowance of claims 76-79 is respectfully requested.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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